



10/606 320

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

Attorney Docket No. 035718/263948

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

GENES ENCODING PROTEINS WITH PESTICIDAL ACTIVITY,

the specification of which

☒ is attached hereto

OR

☐ was filed on as United States Application No. or PCT International Application Number and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed
			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed
			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

60/460,787	04/04/2003
Application Number	Filing Date (MM/DD/YYYY)
60/391,786	06/26/2002
Application Number	Filing Date (MM/DD/YYYY)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application (37 C.F.R. § 1.63(d)).

Application No.	Filing Date	Status Patented/Pending/Abandoned
Application. No.	Filing Date	Status Patented/Pending/Abandoned
Application No.	Filing Date	Status Patented/Pending/Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number:

Customer Number 29122

Direct telephone calls to: Leigh W. Thorne
Registration No. 47,992
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260

Full name of first inventor: Andre R. Abad
Inventor's
Signature: Andre R. Abad Date: 6/26/2003 AA
Residence: W. Des Moines, IA
Citizenship: United States of America
Mailing Address: 1030 Belle Mar Drive
W. Des Moines, IA 50266

Full name of second inventor: Ronald D. Flannagan

Inventor's

Signature: Ronald D. Flannagan Date: 2 July 2003

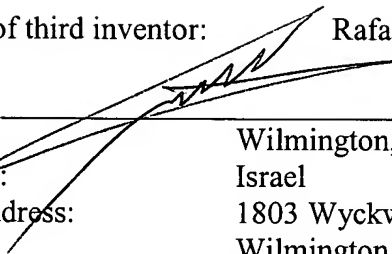
Residence: Grimes, IA

Citizenship: United States of America

Mailing Address: 512 N.W. Norton Circle
Grimes, IA 50111

Full name of third inventor: Rafael Herrmann

Inventor's

Signature:  Date: 2/15/05

Residence: Wilmington, DE

Citizenship: Israel

Mailing Address: 1803 Wyckwood Court
Wilmington, DE 19803

Full name of fourth inventor: Theodore W. Kahn

Inventor's

Signature: Theodore W. Kahn Date: July 23, 2003

Residence: Durham, NC

Citizenship: United States of America

Mailing Address: 214 Slateworth Drive
Durham, NC 27703

Full name of fifth inventor: Albert L. Lu

Inventor's

Signature: 

Date: 7-15-03

Residence: Newark, DE

Citizenship: Canada

Mailing Address: 14 Charles Pointe
Newark, DE 19702

Full name of sixth inventor: Billy Fred McCutchen

Inventor's

Signature: Billy F. McCutchen Date: 6/26/03

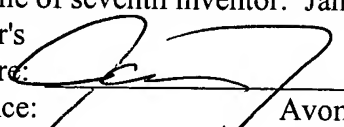
Residence: Clive, IA

Citizenship: United States of America

Mailing Address: 13420 Cedarwood Avenue
Clive, IA 50325

Full name of seventh inventor: James K. Presnail

Inventor's

Signature: 

Date:

July 16, 2003

Residence:

Avondale, PA

Citizenship:

United States of America

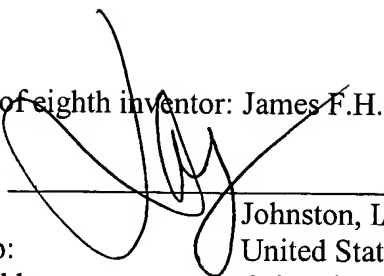
Mailing Address:

1722 Clay Creek Road

Avondale, PA 19311

Full name of eighth inventor: James F.H. Wong

Inventor's

Signature: 

Date: 6/26/2003

Residence:

Johnston, IA

Citizenship:

United States of America

Mailing Address:

6725 River Bend Drive

Johnston, IA 50131

Full name of ninth inventor: Cao-Guo Yu

Inventor's

Signature: *Z. Cao* Date: *July 2, 2003*

Residence: Urbandale, IA

Citizenship: Canada

Mailing Address: 3819 66th Street, Apt. 80
Urbandale, IA 50322